

B. Act of the Republic of Indonesia Number 4, of 1997, Concerning Disabled People

**BY THE GRACE OF GOD ALMIGHTY
THE PRESIDENT OF THE REPUBLIC OF
INDONESIA**

Considering:

- a. that the aim of the implementation of national development is to achieve a just and prosperous Indonesian society, based on Pancasila (The Five Basic Principles As State Philosophy Of The Republic Of Indonesia) and the 1945 Constitution be it noted that disabled people are also citizens of Indonesia who have equal status, rights, obligations and roles.
- b. the trend that the population of disabled is rising, therefore, the promotion efforts of social welfare for the disabled should be improved.
- c. that to achieve the equalization of rights, obligations and roles as mentioned above, it is deemed necessary to lay down a basic law, and to improve social welfare efforts of the disabled in all aspects of life by a written act.

In View Of:

Article 5 (1) and Article 20 (1) of the 1945 Constitution:

**BY APPROVAL OF
THE HOUSE OF REPRESENTATIVES
OF THE REPUBLIC OF INDONESIA
IT HAS BEEN DECIDED:**

To sanction:

THE ACT CONCERNING DISABLED PEOPLE

CHAPTER I

GENERAL PROVISION

Article 1

Definitions used in the Act:

1. Disabled people are people with physical and/or mental deficiencies so that they can't ordinarily do their social function. They are:
 - a. the physically disabled
 - b. the mentally disabled
 - c. the physically and the mentally disabled
2. Degree of disability is a condition showing the gradation of disability of anyone.
3. Equalization of opportunity is an attempt to enable disabled people are unable to fully participate in all aspects of life.
4. Accessibility is an accessible facility provided for the disabled in order to achieve the equalization of opportunity in all aspects of life.
5. Rehabilitation is the process of refunctionalization and development of disabled people in order to be able to do their normal social function in society.
6. Social assistance is a stimulant given to the disadvantaged disabled incidently in order to improve their social welfare standard.
7. Social welfare standard maintenance is protection and service efforts to the disabled conducted continuously in order for them to achieve a normal living standard.

CHAPTER II

FOUNDATIONS, PRINCIPLES AND OBJECTIVES

Article 2

Efforts to improve the social welfare of disabled people are based on Pancasila (The Five Basic Principles As State Philosophy Of The Republic Of Indonesia) and the 1945 Constitution.

Article 3

As meant in Article 2, the efforts are based on the principles of faith and devotion to the One Almighty God, the principle of benefits, the principle of family system, the principle of justice and equity, the principle of balancing of consciousness, the principle of self reliance and the principle of knowledge and technology.

Article 4

As meant in Article 2 mentioned above, the aim of empowerment efforts for disabled people is to help them achieve their self reliance and social welfare.

CHAPTER III

RIGHTS AND OBLIGATIONS

Article 5

Every disabled person has equal rights and opportunities in all aspects of life.

Article 6

Every disabled person has the right to obtain:

1. Education in all units, programmes, types and levels of education.
2. Employment and to standard of living, befitting for human beings according to their disabilities, their education and their abilities.
3. Equal treatment to participate in national development and to enjoy its output.
4. Accessibility for their life independence
5. Rehabilitation, social assistance and social welfare standard maintenance; and
6. Equal rights to encourage talents, abilities and social life, especially for children with disabilities living in their family environment and community.

Article 7

1. Every disabled people has equal obligations to life in the community and nation.
2. As mentioned in clause (1), the obligations are conducted according to their disabilities, their education level and their abilities.

Article 8

Government and/or society is obliged to make efforts to realize the rights of disabled people.

CHAPTER IV

EQUALIZATION OF OPPORTUNITY

Article 9

Every disabled person has equal opportunity in all aspects of life.

Article 10

1. The equalization of the opportunity for disabled people in all aspects of life is conducted by providing accessibilities.
2. The accessibilities are intended to provide a supportive situation environment to the disabled in order for them to fully participate in their society.
3. As meant in clause (1) and clause (2), the providing of accessibilities, shall be comprehensively, integratedly and continuously established by Government and/or society.

Article 11

Every disabled person has equal opportunities to obtain education at all units, programmes, types and levels of education according to their disabilities.

Article 12

Every educational institution shall give equal treatment and opportunities to the disabled students at all units, programmes, types and levels of education according to their disabilities and abilities as well.

Article 13

Every disabled person shall have equal opportunities to obtain employment according to their disabilities.

Article 14

State and private companies shall give equal treatment and opportunities to the disabled by employing them at the companies according to their disabilities education, and abilities. The quota shall be adapted to the number of employees existing and/or qualification of the company.

Article 15

As meant in Article 10, 12, and 14, the provision shall be explained by the further State Regulation.

CHAPTER V

EFFORTS

Article 16

Government and/or society shall conduct:

1. Rehabilitation efforts,
2. Social assistance efforts, and
3. Social welfare standard maintenance efforts.

Article 17

The aim of rehabilitation activities are directed to refunctionalization and to develop the physical, mental and social abilities of disabled people in order to conduct their social function normally according to their talents, abilities, education and experience.

Article 18

1. The rehabilitation activities shall be conducted in all State and/or private facilities.
2. As meant at clause (1) the rehabilitation activities include medical rehabilitation, educational, vocational and social training.
3. As meant at clause (1) and clause (2), provision concerning the implementation of rehabilitation activities shall be explained by the further State Regulation.

Article 19

Social assistance shall be directed to help the disabled improve their social welfare standard.

Article 20

1. As meant in article 19, social assistance shall be given to:
 - a. the disadvantaged, disabled who have been rehabilitated, but remain jobless.
 - b. the disadvantaged disabled who have been rehabilitated, have skills, but remain jobless.
2. As meant in clause (1), provision concerning type, number and procedures of implementation of giving social assistance shall be explained by the further State Regulations.

Article 21

Social welfare standard maintenance shall be directed to give services and protection to the disabled in order to keep their normal standard of living.

Article 22

1. As meant in Article 21, the social welfare standard maintenance shall be given to people with unrehabilitated disabilities and fully dependent others.
 2. As meant in clause (1), provision concerning the type, procedures and conditions of social welfare standard maintenance shall be explained by the further State Regulations.
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CHAPTER VI

THE DEVELOPMENT AND ROLES **OF THE COMMUNITY**

Article 23

1. Government and society shall develop leave in efforts to improve the social welfare standard of disabled people.
2. As meant in clause (1), the development covers all activities in all aspects of life.

Article 24

Government shall develop all efforts to improve the social welfare of disabled people by sanctioning policies, coordinating, giving information, guiding, and giving permission for monitoring.

Article 25

1. Society shall develop all efforts to improve the social welfare of disabled people.
2. Society has a great opportunity to participate in efforts to improve the social welfare of disabled people.

Article 26

As meant in Article 24 and 25, provision concerning the development and role of society shall be explained in the further State Regulations.

Article 27

1. Government shall give award to companies employing the disabled.
 2. Award shall also be given to institutions, community and/or personally having good actions on efforts to improve the social welfare of disabled people.
 3. (3) As meant at the clause (1) and (2) provision concerning with giving award shall be explained in the further State Regulations.
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COURT PUNISHMENTS

Article 28

1. Whoever goes against the Article 14 of this Act, shall be punished with a maximum imprisonment of 6 (six) months and/or a maximum fine of Rp. 200,000,000, (Two hundred millions Rupiah) fine.
 2. As meant in clause (1) the punishment is considered as the against.
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ADMINISTRATIVE PUNISHMENT

Article 29

1. Whoever chooses not to provide accessibilities as meant in Article 10 and/or not to give equal treatment and opportunities to the disabled students at all units, programmes, types and levels of education, as meant in Article 12, shall receive an administrative punishment.
 2. Manifestation, kinds and procedures of the administrative punishment as meant in the clause (1) shall be explained in the further State Regulations.
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TRANSITIONAL PROVISIONS

Article 30

Since this act promulgated all statutory arrangements, concerning with the disabled before remain valid as long as it is not contrary and/or to be altered or to be changed based on this Act.

CLOSING PROVISIONS

Article 31

This Act comes into effect at the date of its promulgation. In order that every one may take cognizance of it, it is ordered to publish this Act in the State Gazette of the Republic Of Indonesia.

Done at: JAKARTA.

On: February 28th 1997.

THE PRESIDENT OF THE REPUBLIC OF INDONESIA

signed

SOEHARTO

Promulgated in Jakarta

on February 28th 1997

MINISTER/STAT SECRETARY OF

THE REPUBLIC OF INDONESIA

signed

MOERDIONO

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THE SECRETARIAT OF THE CABINET

OF THE REPUBLIC OF INDONESIA,

Head Of Bureau For Legislation.

signed

Lambock V. Nahattands.

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